

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

JUN 09 2003

JAMES W. McCORMACK, CLERK
By: **PLAINTIFF**
DEP CLERK

KIMBERLY PHILLIPS

VS.

CASE NO. LR-C-92-132

TIMOTHY SUGRUE AND MARYLAND CASUALTY

DEFENDANT

**REVIVOR OF FEDERAL JUDGMENT
OR, IN THE ALTERNATIVE, MOTION TO REVIVE JUDGMENT**

Comes now Kimberly Phillips, by and through her attorneys, Eubanks, Welch, Baker & Schulze, LLP, by Morgan E. Welch the attorney of record, and for her Revivor of Federal Judgment or in the Alternative, Motion to Revive the Judgment of this Court states as follows:

1. On November 2, 1993, a Judgment in a Civil Case was filed of record against Timothy Sugrue. A true and correct copy of the Judgment is attached hereto, marked as Exhibit "1", and is incorporated herein by this reference as if set forth word for word.
2. This Judgment remains unsatisfied and no sum of money has been paid on the judgment as of this date.
3. The judgment accrued interest at a rate of three and 38/100 per cent (3.38%) per annum and the revival of the judgment would be at the same interest rate as the original judgment in that there is no new judgment in this matter.
4. Pursuant to Rule 81(b) and 69 of the Federal Rules of Civil Procedure, the procedure on revival of the Judgment is to be pursuant to laws of the State where the Court is located. McCarthy vs. Johnson, 35 F. Supp.2d 846 (D.UT 1997).
5. Arkansas Code Annotated §16-65-501 (Repl 1985) states a court "shall" revive a Judgment at any time when a request for Revivor is made within 10 years from the date of the entry of judgment.

Petition to Revive Judgment

6. Under Arkansas case law, the seeking of a revival of a judgment is not a new action but a continuation of the original action and no new Summons needs to be issued. See Bohnsack vs. Beck, 294 Ark. 19, 740 S.W.2d 611 (1987).

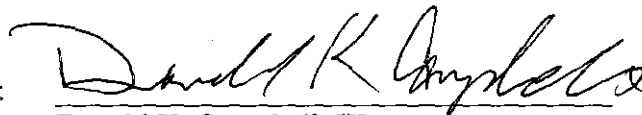
7. The Judgment is not yet 10 years old, therefore, this Court should revive the Judgment according to Arkansas law.

WHEREFORE, the Plaintiff prays this Court issue an Order reviving the Judgment of this Court which was entered against Timothy Sugrue on November 2, 1993, and for any other relief to which she may be entitled.

Respectfully Submitted,

EUBANKS, WELCH, BAKER & SCHULZE, LLP
P. O. Drawer 3685
Little Rock, AR 72203-3685
(501) 537-1000

By:



Donald K. Campbell, III
ASCR No. 84017

CERTIFICATE OF SERVICE

I, Donald K. Campbell, III, do hereby certify that the forgoing document was deposited into the U. S. Post Office Box located at 620 West Third Street, Little Rock, AR on this 9th day of June, 2003, with sufficient postage prepaid to assure delivery to the following:

Paul McNeill
WOMACK, LANDIS, PHELPS,
McNEILL & McDANIEL
P.O. Box 3077
Jonesboro, AR 72403

Ken Cook
Armstrong Allen
Suite 100
100 Morgan Keegan Drive
Little Rock, AR 72202



Donald K. Campbell, III

NOV 2 1993

United States District Court

EASTERN

DISTRICT OF

ARKANSAS

KIMBERLY PHILLIPS

JUDGMENT IN A CIVIL CASE

V.

TIMOTHY SUGRUE and MARYLAND CASUALTY

CASE NUMBER: LR-C-92-132

- ☒ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- ☐ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

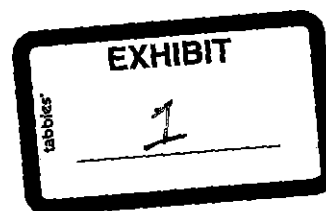
IT IS ORDERED AND ADJUDGED

Judgment is entered in favor of the plaintiff against defendant Timothy Sugrue in the amount of \$506,325 in compensatory damages and \$1,000,000.00 in punitive damages.

Judgment is entered in favor of Maryland Casualty (Marist Fathers of Washington Province) and against the plaintiff.

Interest shall accrue at the rate of 3.38% per annum.

Each side shall bear their own costs.



November 2, 1993

Date

CARL R. BRENTS

Clerk

Patricia L. Murray

(By) Deputy Clerk

THIS DOCUMENT ENTERED ON DOCKET SHEET IN
COMPLIANCE WITH RULE 58 AND/OR 72(a) FRCP
ON 11-2-93 BY *pm*

260